

IN THE DRAWINGS:

Please replace the original drawings with the five sheets of replacement drawings attached hereto.

REMARKS:

Claims 1-20 are in the case and presented for consideration.

By this Amendment, Applicants have added new claims 14-20, Figs. 7 and 8, and a new description for Figs. 7 and 8. Drawing sheet Nos. 1-4 are also being replaced to change the sheet number. Support for Figs. 7 and 8 can be found, for example, on page 5, lines 28-33, and page 14, lines 8-10, of the specification, respectively. Accordingly, there is no issue of new matter.

The Examiner objected to the drawings under 37 C.F.R. § 1.83(a). The Examiner stated that "the actuator affecting the periodical motion of both the shaving head and the cutting member, and the first and second cutting members being effected by separate periodical motions must be shown..." See page 2 of January 12, 2006 Office Action.

In response, Applicants respectfully traverse the Examiner's above grounds of objections. To expedite the prosecution of this application, and without conceding the correctness of the Examiner's objection, Applicants have added Figs. 7 and 8 which show the periodical motion of the shaving head and the cutting member, and the cutting members being effected by separate periodical motions. Accordingly, the drawings do not contain the above-mentioned issues, thereby are believed to render these grounds of objection moot.

The Examiner objected to the Abstract of the Disclosure because of the use of legal phraseology such as "therein" and "said". See page 3 of January 12, 2006 Office Action.

In response, Applicants respectfully traverse the Examiner's above objection. To expedite the prosecution of this application, and without conceding the correctness of the Examiner's objection, Applicants have replaced the terms "therein" and "said" in the

Abstract. The amended Abstract does not contain the above issue, thereby is believed to render this ground of objection moot.

The Examiner rejected claim 11 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Examiner stated that the "specification does not describe how the cutting members (17 and 19) are effected by separate motions when both cutting members are attached to the same carrier member (25)." See page 3 of January 12, 2006 Office Action.

In response, Applicants respectfully traverse the Examiner's above ground of rejection. Applicants' claim 11 recites in relevant portion that "at least one of the two motion portions of the first periodical motion and of the second periodical motion have different parameters" of periodical motion, such as the path of each cutting member. It can readily be appreciated by a person of ordinary skill in the art that by, for example, adjusting the height of the first and second cutting member relative to the contact surface, that each cutting member will have a different path of motion. Accordingly, reconsideration and withdrawal of the above ground of rejection is respectfully requested.

The Examiner rejected claims 1, 4, 10 and 13 under 35 U.S.C. § 102(b) as being anticipated by Motta (U.S. Pat. No. 5,007,169). The Examiner stated that "Motta teaches a shaving apparatus with a cutting unit having an elliptical periodical motion composed of a first and second motion (Col. 4, lines 58-67), capable of being changed depending on the dimension of slot (265). Depending on how the shaver is held the second motion is closer to the skin being shaved and directed opposite the cutting direction. Periodical motion of the cutting unit is controlled by an actuator located inside the handle of the shaver (see

Figure 1) that conveys a periodical motion, having a major and minor axis, to both the shaving head and the cutting member." See page 4 of January 12, 2006 Office Action.

In response, Applicants respectfully traverse the Examiner's above grounds of rejection. Applicants' claimed invention relates to a device for shaving hair or a shaving head with, among other novel combinations and features, a cutting member. The driving mechanism of Applicants' claimed invention produces, for example, an elliptical motion in the cutting member, along an imaginary plane extending transversely to the cutting edge. See claim 1 and Fig. 4.

In contrast, Motta attaches a shaver head to a eccentric coupler, which in turn is connected to an electric motor. See Figs. 1 and 6, and col. 3, lines 8-15, of Motta. The rotation of the eccentric couple produces a lateral movement ("slicing motion") of the distal end of the shaver head within a plane substantially parallel to shaving surface. See col. 3, lines 50-56, of Motta. Depending on the shape of the slot on the proximal end of the shaver head, a downward movement ("chopping motion"), relative to the surface being shaved, may be imparted on the shaver head. See col. 3, lines 58-61, and col. 4, lines 60-64, of Motta. When a shaver head is provided with a substantially square groove, an irregular and possibly random horizontal and vertical movement, relative to the shaving surface, is produced.

Accordingly, Motta cannot anticipate Applicants' claimed invention because Motta does not disclose or teach a driving mechanism (including an actuator) that effect, for example, an elliptical motion in the cutting member, along an imaginary plane extending transversely to the cutting edge.

The Examiner rejected claims 1, 9, 11, and 13 under 35 U.S.C. § 102(b) as being

anticipated by Balamuth et al. (U.S. Pat. No. 3,756,105). The Examiner stated that "Balamuth teaches (see Figures 1 and 2) a device for shaving hair comprising a base portion (12), a shaving head (24), and a cutting member (30), within the shaving head (24), having two distinct motions, the second motion being closer to a users skin and directed away from the cutting direction when the shaver is held a specific way. An actuator (62) generates the periodical motion of the cutting member (30) relative to the shaving head, and generates a second periodical motion of shaving head (24) which is in turn provides a second periodical motion to an outer cutter member (25)." See page 4 of January 12, 2006 Office Action.

In response, Applicants respectfully traverse the Examiner's above ground of rejection. Balamuth et al. describe (Figure 1 and 2) an electric shaver having a guard member and cutting blades provided behind the guard member. See col. 6, lines 29-43, of Balamuth et al. Hair is cut by the oscillating motion of the cutting blades along the width of the guard member, or laterally with respect to the shaving surface. See col. 2, lines 27-31, of Balamuth et al.

Applicants respectfully maintain that Balamuth et al. cannot anticipate Applicants' claimed invention because Balamuth et al. do not teach a driving mechanism that effect, for example, an elliptical motion in the cutting member, along an imaginary plane extending transversely to the cutting edge.

The Examiner rejection claims 2 and 3 under 35 U.S.C. 35 U.S.C. § 103(a) as being unpatentable over Motta in view of Lowery et al. (U.S. Pat. No. 4,744,144). The Examiner stated that "Motta teaches all of the elements of the current invention as stated above except for the periodical motion of the cutting member cutting at a specific frequency,

specifically about 200 Hz. Lowery teaches (Col. 7, lines 35-39) the optimal frequency for the periodical motion of a shaving unit being approximately 200 Hz. It would have been obvious to have modified Motta to incorporate the teachings of Lowery to produce a shaving unit that operated at the optimal frequency to promote a closer and more comfortable shave." See page 5 of January 12, 2006 Office Action.

In response, Applicants respectfully traverse the Examiner's above ground of rejection. For the reasons discussed above, Applicants respectfully maintain that Motta does not teach or disclose a driving mechanism that effect, for example, an elliptical motion in the cutting member, along an imaginary plane extending transversely to the cutting edge. Therefore, Motta in view of Lowery et al. cannot render Applicants' claimed invention obvious.

The Examiner rejection claims 5 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Motta. The Examiner stated that "Motta teaches all of the elements of the current invention as stated above except for the optimal amplitudes for the elliptical motion of a shaving unit. Motta teaches (Col. 4, lines 39-42) the elliptical motion of the cutting unit able to be changed to meet a best mode requirement by changing the size of a slot (265). It would have been obvious to create a slot that produced the most efficient and comfortable shave attainable for it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum ranges only involves routine skill in the art." See page 5 of January 12, 2006 Office Action.

In response, Applicants respectfully traverse the Examiner's above ground of rejection. For the reasons discussed above, Applicants respectfully maintain that Motta does not teach or disclose a driving mechanism that effect, for example, an elliptical motion

in the cutting member, along an imaginary plane extending transversely to the cutting edge. Therefore, Motta cannot render Applicants' claimed invention obvious.

The Examiner rejected claims 7 and 8 under 35 U.S.C. § 103(a) as being unpatentable over Motta in view of Apprille et al. (U.S. Pat. No. RE36,816). The Examiner stated that "Motta teaches all of the elements of the current invention as stated above except for the shaving device having a skin contact member which defines a skin contact surface, where the major axis and the skin contact surface are substantially parallel to each other. Apprille teaches (see Figure 7) the use of a skin contact surface made up by the tips of the ribs (122) of the upper surface (120) of the guard member. The tips of the ribs (122) and the cutting members (as shown in Figure 7) are located on substantially the same plane, and therefore on the major axis of the cutting direction (from left to right). It would have been obvious to have modified Motta to incorporate the teachings of Apprille to use a cutting member that incorporated a guard member for the purpose of protecting a user from hurting him or herself while using the shaving device." See page 5 of January 12, 2006 Office Action.

In response, Applicants respectfully traverse the Examiner's above ground of rejection. For the reasons discussed above, Applicants respectfully maintain that Motta does not teach or disclose a driving mechanism that effect, for example, an elliptical motion in the cutting member, along an imaginary plane extending transversely to the cutting edge. Therefore, Motta in view of Apprille et al. cannot render Applicants' claimed invention obvious.

Accordingly, the application and claims are believed to be in condition for allowance,

and favorable action is respectfully requested. No new matter has been added.

Favorable action is respectfully requested.

Respectfully submitted,



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